

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 625

Introduced by Assembly Member Ammiano

February 16, 2011

An act to amend Sections 290 and 290.006 of the Penal Code, relating to sex offender registration.

LEGISLATIVE COUNSEL'S DIGEST

AB 625, as amended, Ammiano. Sex offender registration.

Existing law, the “~~Sex~~ Sex Offender Registration Act,” *Act*, requires a person convicted of certain crimes, as specified, for the rest of his or her life while residing in California, or while attending school or working in California, as specified, to register with law enforcement as a sex offender.

~~This bill would express the intent of the Legislature to enact legislation to establish a tiered sex offender registration law.~~

This bill would instead establish 3 tiers of registration based on specified criteria, for periods of 10 years, 20 years, and life, respectively, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 290 of the Penal Code is amended to*
- 2 *read:*
- 3 290. (a) Sections 290 to 290.023, inclusive, shall be known
- 4 and may be cited as the Sex Offender Registration Act. All

1 references to “the Act” in those sections are to the Sex Offender
2 Registration Act.

3 (b) Every person described in subdivision (c), for the rest of his
4 ~~or her life~~ *period specified in subdivision (d)* while residing in
5 California, or while attending school or working in California, as
6 described in Sections 290.002 and 290.01, shall be required to
7 register with the chief of police of the city in which he or she is
8 residing, or the sheriff of the county if he or she is residing in an
9 unincorporated area or city that has no police department, and,
10 additionally, with the chief of police of a campus of the University
11 of California, the California State University, or community college
12 if he or she is residing upon the campus or in any of its facilities,
13 within five working days of coming into, or changing his or her
14 residence within, any city, county, or city and county, or campus
15 in which he or she temporarily resides, and shall be required to
16 register thereafter in accordance with the Act.

17 (c) The following persons shall be required to register:

18 Any person who, since July 1, 1944, has been or is hereafter
19 convicted in any court in this state or in any federal or military
20 court of a violation of Section 187 committed in the perpetration,
21 or an attempt to perpetrate, rape or any act punishable under
22 Section 286, 288, 288a, or 289, Section 207 or 209 committed
23 with intent to violate Section 261, 286, 288, 288a, or 289, Section
24 220, except assault to commit mayhem, Section 243.4, paragraph
25 (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, paragraph
26 (1) of subdivision (a) of Section 262 involving the use of force or
27 violence for which the person is sentenced to the state prison,
28 Section 264.1, 266, or 266c, subdivision (b) of Section 266h,
29 subdivision (b) of Section 266i, Section 266j, 267, 269, 285, 286,
30 288, 288a, 288.3, 288.4, 288.5, 288.7, 289, or 311.1, subdivision
31 (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10,
32 311.11, or 647.6, former Section 647a, subdivision (c) of Section
33 653f, subdivision 1 or 2 of Section 314, any offense involving
34 lewd or lascivious conduct under Section 272, or any felony
35 violation of Section 288.2; any statutory predecessor that includes
36 all elements of one of the above-mentioned offenses; or any person
37 who since that date has been or is hereafter convicted of the attempt
38 or conspiracy to commit any of the above-mentioned offenses.

39 (d) (1) *For purposes of this subdivision, the following*
40 *definitions apply:*

1 (A) “Registerable offense” means an offense or punishable act
2 described in subdivision (c).

3 (B) “Initial registration date” means either the date the person
4 was released from prison after incarceration for conviction of a
5 registerable offense, or the date of conviction for a registerable
6 offense for a person who was not sentenced to prison.

7 (C) “Violent felony” means a felony described in subdivision
8 (c) of Section 667.5.

9 (D) “Violent registerable offense” means an offense that is both
10 a registerable offense and a violent felony.

11 (E) “SARATSO” means the State-Authorized Risk Assessment
12 Tool for Sex Offenders as described in Section 290.04.

13 (2) Every person described in subdivision (c), and every person
14 who is otherwise required to register pursuant to the Act, shall be
15 required to register as a tier one, tier two, or tier three offender,
16 and for a period commencing on that person’s initial registration
17 date, except as otherwise provided in this section, of 10 years, 20
18 years, or life, depending on which of the three tiers the offender
19 is placed, pursuant to paragraphs (3) to (5), inclusive.

20 (3) A tier one offender shall be subject to the registration
21 requirements of the Act for a period of 10 years. A person is a tier
22 one offender if all of subparagraphs (A) to (D), inclusive, apply,
23 or if subparagraph (E) applies:

24 (A) The person was convicted of a registerable offense that is
25 not a violent offense.

26 (B) The person’s score on the SARATSO is low, low-moderate,
27 or moderate, or the person is not eligible for assessment under the
28 applicable coding rules, pursuant to Section 290.06.

29 (C) For a period of 10 years, commencing with the person’s
30 initial registration date, the person is not convicted of a
31 registerable offense or for a violent felony.

32 (D) For a period of 10 years, commencing with the person’s
33 initial registration date, the person is not convicted of more than
34 one felony violation of the Act.

35 (E) The person is required by the court to register as a tier one
36 offender, pursuant to Section 290.006.

37 (4) A tier two offender shall be subject to the registration
38 requirements of the Act for a period of 20 years. A person is a tier
39 two offender if subparagraphs (A) to (C), inclusive, all apply, or

1 *if subparagraphs (D) to (F), inclusive, all apply, or if subparagraph*
2 *(G) applies:*

3 *(A) The person's score on the SARATSO is moderate-high risk,*
4 *the person was convicted of a violent registerable offense, or the*
5 *person was convicted of a violation of Section 647.6.*

6 *(B) For a period of 20 years, commencing with the person's*
7 *initial registration date, the person is not convicted of a violent*
8 *registerable offense.*

9 *(C) For a period of 20 years, commencing with the person's*
10 *initial registration date, the person is not convicted of more than*
11 *one felony violation of the Act.*

12 *(D) The person was a tier one offender, but was convicted of*
13 *more than one felony violation of the Act, or was convicted of a*
14 *registerable offense or a violent felony, within 10 years from the*
15 *person's initial registration date.*

16 *(E) For a period of 20 years, commencing with the person's*
17 *conviction described in subparagraph (D), the person is not*
18 *convicted of a violent registerable offense.*

19 *(F) For a period of 20 years, commencing with the person's*
20 *conviction described in subparagraph (D), the person is not*
21 *convicted of a violation of the Act.*

22 *(G) The person is required by the court to register as a tier two*
23 *offender, pursuant to Section 290.006.*

24 *(5) A tier three offender shall be subject to the registration*
25 *requirements of the Act for life. A person is a tier three offender*
26 *if any of the following apply:*

27 *(A) The person's score on the SARATSO is high risk.*

28 *(B) Within 20 years of the person's initial registration date, the*
29 *person is convicted of a violent registerable offense.*

30 *(C) The person has at any time been committed to a state mental*
31 *hospital as a sexually violent predator pursuant to Article 4*
32 *(commencing with Section 6600) of Chapter 2 of Part 2 of Division*
33 *6 of the Welfare and Institutions Code.*

34 *(D) The person was a tier two offender, and subsequently was*
35 *convicted of more than one felony violation of the Act, or the*
36 *person is convicted of any violation of the Act after becoming a*
37 *tier two offender, and having previously been a tier one offender.*

38 *(E) The person is required to register pursuant to Section*
39 *290.004.*

1 (F) *The person is required by the court to register as a tier three*
2 *offender, pursuant to Section 290.006.*

3 (6) *Persons required to register pursuant to Section 290.005*
4 *shall be placed in the appropriate tier if the offense is assessed as*
5 *equivalent to a registerable offense. If the person's duty to register*
6 *pursuant to Section 290.005 is based solely on the requirement of*
7 *registration in another jurisdiction, the person shall be placed in*
8 *tier two, except that the person shall be placed in tier three if any*
9 *of the following apply:*

10 (A) *The person's score on the SARATSO is high risk.*

11 (B) *Within 20 years of the person's initial registration date, the*
12 *person is convicted of a violent registerable offense.*

13 (C) *The person has at any time been committed to a state mental*
14 *hospital or mental health facility in a proceeding similar to civil*
15 *commitment as a sexually violent predator pursuant to Article 4*
16 *(commencing with Section 6600) of Chapter 2 of Part 2 of Division*
17 *6 of the Welfare and Institutions Code.*

18 (7) *A person required to register as a tier two offender may, by*
19 *filing an application on a form approved by the Department of*
20 *Justice, petition the department for tier one status if the person*
21 *was convicted of a registerable offense, or adjudicated for an*
22 *offense described in subdivision (c) of Section 290.008, against*
23 *no more than one victim 12 to 17 years of age, inclusive; the person*
24 *was not more than 10 years older than the victim; and the act was*
25 *illegal due solely to the age of the minor. If the department*
26 *determines that the person meets the requirements for tier one*
27 *status, the department shall grant the petition. The petitioner bears*
28 *the burden of proving the facts that make the petitioner eligible*
29 *for tier one status.*

30 SEC. 2. *Section 290.006 of the Penal Code is amended to read:*

31 290.006. *Any person ordered by any court to register pursuant*
32 *to the Act for any offense not included specifically in subdivision*
33 *(c) of Section 290, shall so register, if the court finds at the time*
34 *of conviction or sentencing that the person committed the offense*
35 *as a result of sexual compulsion or for purposes of sexual*
36 *gratification. The court shall state on the record the reasons for its*
37 *findings and the reasons for requiring registration. The person*
38 *shall register as a tier one offender pursuant to Section 290, unless*
39 *the court states on the record the reasons for requiring the person*

1 *to register as a tier two or tier three offender pursuant to Section*
2 *290.*

3 ~~SECTION 1. It is the intent of the Legislature to enact~~
4 ~~legislation to establish a tiered sex offender registration law.~~